

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

BKY CASE NO. 04-44879-NCD

Regina and Stanley Kugler,

**NOTICE OF HEARING AND MOTION  
FOR TURNOVER OF PROPERTY**

Debtor(s).

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TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTORS, AND THE DEBTORS' ATTORNEY.

1. Julia A. Christians, Chapter 7 Trustee herein, moves the Court for the relief requested below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on November 17, 2004, at 10:30 a.m., in Courtroom No. 7 West, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than November 12, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than November 5, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **If no response is timely served and filed, the Court may grant the relief requested without a hearing.**

3. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 6072-1 and this proceeding arises under 11 U.S.C. §542(a). Movant requests an order directing Debtor to turn over copies of bank account statements for all accounts of Debtors open as of the bankruptcy filing date, for the period of time including the filing date; copies of all documents related to the liquidation of the IRA and the disposition of the proceeds; and, a copy of an account statement for the annuity showing the balance at the time of the filing. The petition commencing this case as a Chapter 7 case was filed on September 1, 2004. This case is now pending in this Court.

4. The Trustee demanded turnover of the above documents. However, Debtors have failed to respond. Therefore, the Trustee requests an order directing the Debtors to turn over the afore-said documents.

Dated: October 21, 2004

By /e/ Julia A. Christians

Julia A. Christians, Trustee  
One Financial Plaza, #2500  
120 South Sixth Street  
Minneapolis, MN 55402  
612/ 338-5815

**VERIFICATION**

I, Julia A. Christians, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on October 21, 2004

/e/ Julia A. Christians  
Julia A. Christians

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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re: ) Chapter 7  
 ) Case No. 04-44879-NCD  
Regina and Stanley Kugler, )  
 )  
Debtors. )

**UNSWORN CERTIFICATE OF SERVICE**

I, Sarah L. Fortin, declare under penalty of perjury that on October 21, 2004, I mailed copies of the attached **Notice Of Hearing And Motion For Turnover Of Property; and proposed Order** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Office of the United States Trustee  
1015 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Regina and Stanley Kugler  
10250 E. Mountain View Rd.  
Scottsdale, AZ 85258

Malin D. Greenberg  
600 S. Highway 169  
Suite 1525  
St. Louis Park, MN 55426

Executed on: October 21, 2004

/s/ Sarah L. Fortin  
Sarah L. Fortin, Legal Secretary  
Lapp, Libra, Thomson, Stoeber &  
Pusch, Chartered  
120 South Sixth Street, Suite 2500  
Minneapolis, MN 55402  
612/338-5815

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

CHAPTER 7

BKY CASE NO. 04-44879-NCD

Regina and Stanley Kugler,

**ORDER**

Debtor(s).

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This matter came on for hearing before the undersigned Bankruptcy Judge on the 17<sup>th</sup> day of November, 2004, at 10:30 a.m., on the Motion of Julia A. Christians, Chapter 7 Trustee, for turnover of property of the above-named debtor.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

That Debtors turn over to the Trustee within 7 days of the date of this order copies of bank account statements for all accounts of Debtors open as of the bankruptcy filing date, for the period of time including the filing date; copies of all documents related to the liquidation of the IRA and the disposition of the proceeds; and, a copy of an account statement for the annuity showing the balance at the time of the filing.

Dated: \_\_\_\_\_

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The Honorable Nancy C. Dreher  
United States Bankruptcy Judge